

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

Crl.MC.No. 3974 of 2015 ()

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LP.40/2015 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT,
THIRUVANANTHAPURAM.**

**CRIME NO. 367/2009 OF POOJAPPURA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**

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PETITIONERS/ACCUSED 1 & 2:-:

- 1. UNNI R., AGED 28 YEARS,
S/O.RAJAPPAN NAIR, DEVI NILAYAM, TC 22/1066,
KRA-24, KUTTIKAD, KAIMANAM, METTUKADA,
THYCAUD VILLAGE, THIRUVANANTHAPURAM.**
- 2. LIJU, AGED 27 YEARS,
S/O.MADHU, PUTHENVEEDU, CHARUVILA,
AATTUPURAM, KADAKKAL PANCHAYAT,
KOLLAM DISTRICT.**

BY ADV. SRI.PANOOP (MULAVANA).

RESPONDENTS/STATE, DEFACTO COMPLAINANT:-:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. J. BABU, AGED 59 YEARS,
S/O.A. JOSEPH, TC 19/1657, THAMALAM,
POOJAPPURA P.O., THIRUVANANTHAPURAM.**

**R1 BY PUBLIC PROSECUTOR SRI.GITHESH. R.
R2 BY ADV. SRI.LOWEL CHERIAN.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1. TRUE COPY OF THE FINAL REPORT IN LP 40/2015 OF
ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT,
THIRUVANANTHAPURAM ARISING FROM
CRIME NO.367/2009 OF THE POOJAPPURA POLICE
STATION, THIRUVANANTHAPURAM DISTRICT.**

ANNEXURE A2. AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.3974 of 2015

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Dated this the 30th day of June, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.367/2009 of Poojappura Police Station, registered under Sections 452, 323, 324, 294(b), 506(ii) & 34 of IPC. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint.

2. In a catena of decisions, the Apex Court has held that in appropriate cases involving even non-compoundable offences, the High Court can quash prosecution by exercise of the powers under Sec.482 of the Cr.P.C., if the parties have really settled the whole

dispute or if continuance of prosecution will not serve any purpose. Here, this Court finds a real case of settlement between the parties and it is also found that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court. On a perusal of the petition and on a close scrutiny of the investigation materials on record and the affidavit of settlement and taking into account the attendant facts and circumstances of this case, this Court is of the considered opinion that the legal principles laid down by the Apex Court in the cases as in *Gian Singh v. State of Punjab* reported in 2013 (1) SCC (Cri) 160 = (2012) 10 SCC 303 and *Narinder Singh and others v. State of Punjab and anr.* reported in (2014) 6 SCC 466, more particularly paragraph 29 thereof, could be applied in this case to consider the prayer for quashment.

Accordingly, the impugned F.I.R and further proceedings arising out of Crime No.367/2009 of Poojappura Police Station, including all further proceedings arising out of LP No. 40/2015 on the file of Additional Chief Judicial Magistrate Court, Thiruvananthapuram pending against the petitioners herein

will stand quashed under Section 482 of the Code of Criminal Procedure.

With these observations and directions this Crl.M.C. stands finally disposed of.

sd/-

sab

ALEXANDER THOMAS, JUDGE